

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMICHAH OHRING, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

UNISEA, INC., and DOES 1 THROUGH
100, inclusive,

Defendants.

CASE NO. 21-359 TSZ

STIPULATION AND ORDER
REGARDING LIMITED STAY OF
ACTION

Pursuant to Local Rules W.D. Wash. LCR 16(b)(6) and 23(i)(3), Plaintiff Amichai Ohring (“Plaintiff”) and Defendant UniSea, Inc. (“Defendant”) (collectively, “the Parties”) hereby jointly stipulate as follows:

WHEREAS, on July 13, 2021, this Court issued an Order denying Defendant’s Motion to Compel Arbitration [Dkt. 34];

WHEREAS, on July 22, 2021, Defendant filed a notice of appeal of the Court’s order denying Defendant’s Motion to Compel Arbitration [Dkt. 36] (“the Appeal”);

WHEREAS, on July 22, 2021, Defendant filed with this Court a motion to stay this litigation pending the resolution of the Appeal (“Motion to Stay”) [Dkt. 37];

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1 WHEREAS, Plaintiff's position is that a stay should not be granted;

2 WHEREAS, on July 28, 2021, the Parties conducted a status conference before the Court,
3 wherein the Parties advised the Court that they were in the process of negotiating the terms of the
4 present stipulation;

5 WHEREAS, the Court accordingly struck the Motion to Stay without prejudice and also
6 struck the deadlines set forth on its Minute Order Setting Trial and Related Dates [Dkt. 35] for
7 completion of discovery on class certification issues and for any motions related to class
8 certification [Dkt. 39];

9 WHEREAS, in order to streamline the proceedings in this matter and in recognition of the
10 fact that relevant evidence, including the availability of witnesses, could be affected by the passage
11 of time during the pendency of the Appeal, the Parties have conferred and agreed to a partial stay
12 of this matter that provides for limited discovery and related agreements while the Appeal is
13 pending.

14 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE to the following:

15 This litigation will be stayed pending resolution of the Appeal with the following
16 exceptions:

- 17 1. If any of the following UniSea employees announce their intention to leave
18 employment with Defendant during the pendency of the Appeal, Defendant will
19 provide Plaintiff advance notice of said departure and make the witness(es)
20 available to Plaintiff for deposition: Ferdinand Lopez, Amelito Maglasang, and
21 Windy Yang. Should depositions of these witnesses take place, Defendant will be
22 provided the option to depose Plaintiff;
- 23 2. Defendant will produce all diagrams and blueprints of the UniSea plants where
24 members of the putative classes worked from March 16, 2018, to the present within
25 a reasonable time period not to exceed 30 days from the date the Court grants the
26 attached Order;

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3. If, during the pendency of the Appeal, any changes are made to the location of items within UniSea plants relevant to either class or merits issues in this litigation, including but not limited to changing rooms, time clocks, and hand and boot washing stations, Defendant will notify Plaintiff of the change and identify the current location of said items and the location to which they will be moved;
4. Defendant's counsel will obtain and preserve a complete sample set of all gear worn by a seafood processing worker during the class period (March 16, 2018, to the present, and continuing through the pendency of the litigation);
5. Defendant will maintain a list of all putative class members and their last known contact information, including mailing and email addresses;
6. Defendant will produce a limited set of two categories of documents responsive to Plaintiff's first set of document requests within a reasonable time frame. Defendant will either produce these documents by August 6, 2021, or provide an update to Plaintiff by August 6, 2021, as to when any unproduced documents will be produced in the near future, not to exceed 30 days from the date the Court grants the Order. This production will include:
 - a. Category 1: exemplars of the following document types for the class period: contracts with employees, ADR documents, policies and procedures, employee handbooks, job descriptions for the putative class positions, generic recruiting information, and generic information regarding terms and conditions of employment; and
 - b. Category 2: clock in/out data and financial data for Mr. Ohring only as well as Mr. Ohring's personnel file;
7. Defendant will maintain payroll data for all putative class members from March 16, 2018 through the present and continuing for the pendency of the litigation. With respect to payroll data for putative class members from March 16, 2018, through

January 2020 that was recorded by the predecessor payroll system, Defendant will, no later than 30 days from the date the Court grants the Order, provide confirmation to Plaintiff that it has recovered this data or, if the data has not yet been recovered, the status of the recovery efforts, and, once recovered, will maintain it in a usable format.

8. Each Party's preservation obligations are unchanged by this Stipulation.

9. This Court maintains jurisdiction and authority to enforce the terms of this Stipulation.

10. All remaining deadlines set forth on the Court's Minute Order Setting Trial and Related Dates [Dkt. 35] are stricken.

11. Upon the issuance of the Ninth Circuit's decision regarding Defendant's Appeal, if the Court retains jurisdiction and is directed to proceed with the case, the partial stay agreed to in this Stipulation shall terminate and the parties shall meet and confer regarding a reasonable timeline for completion of any remaining discovery on class certification issues and to establish other deadlines in the case.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: August 3, 2021

/s/ Julie C. Erickson

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/s/ J. Derek Little

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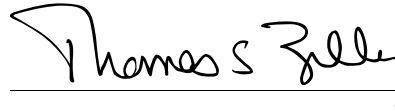
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Attorneys for Defendant

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 DATED: August 5th, 2021

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6 Thomas S. Zilly
7 United States District Judge

8
9 Presented by:

10 /s/ J. Derek Little

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